

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Brandon Jewel Lee, #131283,)	
)	C/A No. 1:18-0680-MBS
Plaintiff,)	
)	
vs.)	
)	
Michael Hunt, Sheriff of Aiken; Melanie J.)	ORDER AND OPINION
Dubose; Barry L. Thompson, II, Esquire;)	
and Quasi-Municipal Corporation of)	
Aiken County, through its Representatives,)	
)	
Defendants.)	
_____)	

Plaintiff Brandon Jewel Lee is a pretrial detainee currently housed at the Aiken County Detention Center in Aiken, South Carolina. Plaintiff proceeding pro se and in forma pauperis, filed a complaint on March 12, 2008, alleging that Defendants Michael Hunt, Sheriff; Melanie J. Dubose, Magistrate; Barry L. Thompson, II, Public Defender; and Aiken County violated his constitutional rights in various respects. See 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling.

The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915. On March 19, 2018, the Magistrate Judge issued a Report and Recommendation in which she observed that (1) the complaint contained no facts to demonstrate Defendant Hunt has personally violated Plaintiff's constitutional rights, or that he was deliberately indifferent to subordinates' actions that posed a constitutional risk of injury; (2) Plaintiff failed to show that he was injured by Defendant Aiken County's alleged failure to provide access to a law library; (3) Defendant Dubose is entitled to judicial immunity; and (4) Defendant Thompson, as Plaintiff's criminal defense

attorney, is not a state actor for purposes of § 1983. Accordingly, the Magistrate Judge recommended that the complaint be summarily dismissed. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Ace. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. Plaintiff’s complaint is summarily dismissed, without prejudice.

IT IS SO ORDERED.

/s/ Margaret Seymour
Senior United States District Judge

Columbia, South Carolina
April 10, 2018

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**